

Patent Attorneys


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During the interview council proposes to discuss whether the preamble is a limitation:

II. < PREAMBLE STATEMENTS RECITING PURPOSE OR INTENDED USE

The claim preamble must be read in the context of the entire claim. The determination of whether preamble recitations are structural limitations or mere statements of purpose or use "can be resolved only on review of the entirety of the [record] to gain an understanding of what the inventors actually invented and intended to encompass by the claim."...

During examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference (or, in the case of process claims, manipulative difference) between the claimed invention and the prior art. If so, the recitation serves to limit the claim .... However, a "preamble may provide context for claim construction, particularly, where ... that preamble's statement of intended use forms the basis for distinguishing the prior art in the patent's prosecution history." (Citations omitted)

During the interview council proposes to discuss a limitation of the dependent claims particularly claims 14, and 21, i.e. *"wherein the slider piece is non-homogenous, such that material forming a bottom portion of the rod groove, which bottom portion engages the rod, has a lower coefficient of friction than all other circumference portions."*

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